IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 649 OF 1987

Dr.(Mrs.)Dolly Gulamali Currimbhoy.... Plaintiff.

Versus

Maharashtra Housing & Area
Development Authority & Ors..... Defendants.

Ms. Khushnoon Daviervala i/by Mulla & Mulla &
C.B.& Caroe for the Plaintiff.

Mr.P.V.Dhopatkar, AGP for the Defendant Nos.1 to 7.

None present for Defendant No.8.

CORAM : D. G. KARNIK, J.

DATED : 30TH JUNE, 2006.

P.C.:

Heard the learned Counsel for the Plaintiff and the learned Asstt. Government Pleader for Defendant Nos.1 to 7. None present for the Defendant No.8.

2. The Defendants have not filed their written statement. In the absence of the written statement, the averments made in the plaint are deemed to be admitted. In the facts and circumstances of the case, I do not consider it necessary to require the

Plaintiff to adduce evidence but I am inclined to exercise powers under Order 8 Rule 5(2) read with Order 8 Rule 10 of the Code of Civil Procedure.

3. Accordingly, the suit of the Plaintiff is decreed in terms of the prayer clauses (a) and (b).

Sd/-

(D. G. KARNIK, J.)